



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/719,365

11/20/2003

Toyokazu Sugimoto

83394.0020

3596

26021 7590 07/09/2009

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

EXAMINER

VETTER, DANIEL

ART UNIT

PAPER NUMBER

3628

NOTIFICATION DATE

DELIVERY MODE

07/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ctkeyner@hhlaw.com
LAUSPTO@hhlaw.com
lbrivero@hhlaw.com

Office Action Summary	Application No. 10/719,365	Applicant(s) SUGIMOTO ET AL.	
	Examiner DANIEL P. VETTER	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 3-4 and 7-10 were previously pending. Claims 3, 4, and 7 were amended in the reply filed March 16, 2009. Claims 3-4 and 7-10 are currently pending.

Response to Arguments

2. Applicant's amendments do not overcome the rejections made under § 112, second paragraph. The scope of certain means-plus-function limitations remain unclear because the § 112, sixth paragraph limitations are modified by various structure and materials in the claim. See rejections below.

3. Applicant's arguments with respect to the rejections under § 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-4 and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As per claim 3, the claim limitation "means for receiving the printed identifier" uses the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because the subsequently recited receipt of the second identifier transmitted from the user terminal appear to be the act and structure used for receiving.

The claim limitation "means for associating" uses the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is

Art Unit: 3628

unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because the subsequently recited user terminal.

The claim limitation "means for reading" uses the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because the subsequently recited reader used to read the identifier.

If applicant wishes to have these claim limitations treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that the phrase "means for" or "step for" is clearly **not** modified by sufficient structure, material, or acts for performing the claimed function.

If applicant does **not** wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that it will clearly not be a means (or step) plus function limitation (e.g., deleting the phrase "means for" or "step for").

7. The corresponding structure for that performs the recited function "means for referring" cannot be determined because it is unclear what function is being performed by "referring." The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor. *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999). An indefiniteness rejection is appropriate if the written description of the specification discloses no corresponding algorithm. *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1337-38, 86 USPQ2d 1235, 1243 (Fed. Cir. 2008). The algorithm used in the specification for "referring a facility name" cannot be determined because the description of the functions in the claims themselves are too vague to ascertain the desired function.

8. Claim 3 recites a "means for associating the electronically stored identifier with the printed identifier in light of the admission ticket ID data base." It is not clear how this element differs from the previously recited "admission ticket ID data base which stores a

Art Unit: 3628

relationship among the electronically stored identifier and the printed identifier." As the identifiers' relationship is already stored, it is unclear what function is being performed by the "means for associating," and also unclear what structure would perform the function as above.

9. Two recited elements in claim 3 include the limitation "in light of the admission ticket ID data base." It is not clear what effect this language has on the scope of the claim.

10. Claim 3 recites "means for receiving the printed identifier transmitted from a user terminal." As no transmitted printed identifier is previously introduced in the claim, this limitation lacks a proper antecedent basis and the scope of the claim cannot be construed.

11. Claims 4 and 7-10 inherit the above deficiencies by virtue of their dependence from claim 3 and, as such, are rejected for the same reasons.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney, et al., U.S. Pat. No. 5,502,806 (Reference A of the PTO-892 part of paper no. 20070523) in view of Mosher, Jr., et al., U.S. Pat. No. 5,979,941 (Reference A of the attached PTO-892).

14. As per claim 3, Mahoney teaches a facility reserving system comprising:
the admission ticket including an electronically stored identifier mounted on the ticket (col. 3, lines 20-26);
a server on a reservation side including (col. 3, line 17):

an admission ticket ID data base which stores the electronically stored identifier (col. 3, lines 18-23);

a facility reservation data base which stores a relationship among the electronically stored identifier, a reservation facility name and reservation time slot information (col. 6, lines 1-10);

means for receiving the identifier transmitted from a user terminal via the communications network (col. 4, lines 4-7);

means for authenticating the received identifier in light of the admission ticket ID data base (col. 4, lines 3-11);

means for associating the electronically stored identifier with a reservation facility name and reservation time slot information which are produced by a user operating the user terminal (col. 4, lines 7-10), and

means for registering electronically stored identifier, the reservation facility name, and the reservation time slot information in the facility reservation data base (DB) (col. 4, lines 17-20, 30-32; col. 6, lines 48-53),

an administration device on a facility side including (Fig. 2):

means for reading the electronically stored identifier from the admission ticket via a reader (col. 4, lines 33-34),

means for referring a facility name and a reservation time registered in the facility reservation DB from the read electronically stored identifier (col. 4, lines 33-36),

means for investigating whether or not a usage of the facility is in accordance with a reservation (col. 4, lines 36-37), and

means for admitting the usage in a case of being in accordance with the reservation (col. 4, line 37).

Mahoney further teaches the use of data bases for managing reservations (e.g., col. 5, line 38), and maintaining records of relationships between identifiers (e.g., between patron and the patron's issued card in col. 3, lines 20-25). However, it does not explicitly teach a printed identifier. As such, it does not teach the electronically stored identifier corresponds to the printed identifier, that the ticket database also stores a relationship between the electronically stored identifier and the printed identifier, that

Art Unit: 3628

the received and authenticated identifier is the printed identifier, and means for associating the electronically stored identifier with the printed identifier in light of the admission ticket ID data base. These elements are taught by Mosher (Figs. 1-4; col. 1, lines 45-54; col. 4, lines 11-36; col. 5, lines 36-47, 61-64). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the multiple related and stored identifiers because this is merely a combination of old elements in the art of theme parks. In the combination each element would have served the same function as it did separately. Based upon the level of skill displayed in the references, one skilled in the art would have recognized that the multiple related identifiers of Mosher could be incorporated into the already disclosed data bases and record-keeping functionality of Mahoney through routine engineering producing predictable results, thus improving the system.

15. As per claim 4, Mahoney in view of Mosher teaches the system of claim 3 as described above. Mahoney further teaches at the time of admission into said site or facility, the electronically stored identifier mounted in said admission ticket is readout (col. 4, lines 33-36), and admission is permitted while referring to said facility reservation information registered with said facility reservation DB with this identifier as a key (col. 4, line 37).

16. As per claim 8, Mahoney in view of Mosher teaches the system of claim 3 as described above. Mahoney further teaches a reservation screen information producing/outputting means (col. 4, line 15) for, by referring to said facility reservation DB, producing screen information in a form where information for reservation-available facility names and time slots thereof can be selected by the user (col. 4, lines 13-15) and providing the same to said user terminal or on-site-installed reservation terminal (col. 4, line 15).

17. As per claim 9, Mahoney in view of Mosher teaches the systems of claims 3 and 4 as described above. Mahoney further teaches a reservation screen information receiving means (col. 4, line 15) for carrying out communications with said facility reserving system upon approximation or loading of the electronically stored identifier, mounted in said admission ticket (col. 4, lines 4-7; col. 6, lines 41-47) and receiving,

Art Unit: 3628

from said facility reserving system, reservation screen information in a form where information for reservation-available facility names and time slots thereof can be selected (col. 4, line 12); and a selection input information communicating means for taking in a selection input for a facility reservation by the user while displaying said reservation screen information (col. 4, lines 13-15) and sending the same to said facility reserving system via said communications network (col. 4, line 15).

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney, et al. in view of Mosher, et al., as applied to claim 3 above, in further view of Redmann, et al., U.S. Pat. Pub. No. 2002/0174003 (Reference B of the PTO-892 part of paper no. 20070523).

19. As per claim 7, Mahoney in view of Mosher teaches the system of claim 3 as described above. Mahoney further teaches a group (col. 1, line 35) reservation receiving means (col. 4, line 5) for receiving human-perceptible unique, identifiers respectively displayed on said admission tickets (col. 3, line 23) for a predetermined number of persons (col. 4, lines 52-55). Mosher further teaches printed identifiers, which would have been obvious to incorporate for the same reasons as in claim 4 above. Mahoney does not teach via said admission ticket possessed by a representative and permitting a reservation input thereof only for an identical time slot of an identical facility; which is taught by Redmann (§§ 0143-47). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Redmann in order to allow for a preferred party to use a no-wait entrance to an attraction (as taught by Redmann; ¶ 0143). Moreover, this is merely a combination of known elements that could be incorporated by routine engineering producing predictable results.

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney, et al. in view of Mosher, et al., as applied to claim 9 above, in further view of DeLorme, et al., U.S. Pat. No. 5,948,040 (Reference C of the PTO-892 part of paper no. 20070523).

Art Unit: 3628

21. As per claim 10, Mahoney in view of Mosher teaches the system of claim 9 as described above. Mahoney does not explicitly teach a display control means for displaying, in addition to a present location, an arrangement of facilities installed at the periphery in a map form and also displaying already-reserved facilities in a manner differentiated from other facilities. DeLorme teaches a display control means (col. 14, line 60) for displaying, in addition to a present location, an arrangement of facilities installed at the periphery in a map form (col. 22, lines 49-51; col. 29, line 27) and also displaying already-reserved facilities in a manner differentiated from other facilities (col. 22, lines 46, 55-56). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of DeLorme to enable the user to visually identify selected geographical information (as taught by DeLorme; col. 22, lines 56-58). Moreover, this is merely a combination of known elements that could be incorporated by routine engineering producing predictable results.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGee, et al., U.S. Pat. Pub. No. 2004/0065726 (Reference B of the attached PTO-892) teaches a ticket with multiple identifiers (Fig. 2B).

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3628

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DPV/

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628